

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	8:08CR471
vs.	)	
	)	<b>PRELIMINARY ORDER</b>
DELROY FISCHER,	)	<b>OF FORFEITURE</b>
	)	
Defendant.	)	

NOW ON THIS 22<sup>nd</sup> day of June, 2010, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I and II of said Superseding Indictment. Count I of said Superseding Indictment charges the Defendant with committing an act of domestic violence while possessing a firearm, a Western Field, Model 488A, .22 caliber rifle, a violation of 18 U.S.C. § 922(g)(9) and 924(a)(2). Count II of said Superseding Indictment realleges the allegations of Count I for the purposes of forfeiture of the Western Field, Model 488A, .22 caliber rifle.

2. By virtue of said plea of guilty, and the plea agreement, the Defendant forfeits his interest in the subject property, as well as, a Western Field Model SB-100A, 12 gauge shotgun, and an Excel, .410 caliber shotgun, Serial #98070XF and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count II of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following-described property: a Western Field Model 488A, .22 caliber rifle, a Western Field Model SB-100A, 12 gauge shotgun, and an Excel, .410 caliber shotgun, serial number 98070XF.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

DATED this 22<sup>nd</sup> day of June, 2010.

**BY THE COURT:**

s/ Joseph F. Bataillon  
**Chief District Court**